

1 BRUCE W. KELLEY
2 Nevada Bar No. 7331
3 ATKIN WINNER & SHERROD
4 1117 South Rancho Drive
5 Las Vegas, Nevada 89102
6 Phone (702) 243-7000
7 Facsimile (702) 243-7059
8 bkelley@awslawyers.com

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10 Attorneys for Defendant LOYA INSURANCE
11 COMPANY

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14 UNITED STATES DISTRICT COURT
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16 DISTRICT OF NEVADA

17 MARCO MONTANO,

18 CASE NO.: 2:15-cv-01676 - LDG-VCF

19 vs.
20 Plaintiff,

21 LOYA INSURANCE COMPANY, FRED
22 LOYA INSURANCE COMPANY, and
JOHN DOES I through X, inclusive,

23 Defendants.

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28 **STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE OF**
PLAINTIFF'S EXTRA CONTRACTUAL CLAIMS
AND FOR REMAND OF CASE TO STATE COURT

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30 Victor Lee Miller Esq., of the law offices of VICTOR LEE MILLER, attorney for the
31 Plaintiff MARCO MONTANO, and Bruce William Kelley, Esq., of the law offices of ATKIN
32 WINNER & SHERROD, attorney for Defendant LOYA INSURANCE COMPANY have agreed
33 as follows:

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35 1. Plaintiff will voluntarily dismiss without prejudice all of his extra-contractual
36 claims as stated in the Second Cause of Action of Plaintiff's Complaint; and
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38 2. Based upon Plaintiff's withdrawal of the extra-contractual claims as well as
39 Plaintiff's representation that he is not now seeking nor will he ever seek damages
40 in excess of \$75,000, the parties hereby agree that this case should be remanded to
41 the State Court.

1 IT IS HEREBY STIPULATED by and between the parties that that Plaintiff's
2 extra-contractual claims as stated in the Second Cause of Action of Plaintiff's Complaint be
3 dismissed without prejudice and that the case be remanded to the State Court.

4 Dated: October 14, 2015

ATKIN WINNER & SHERROD

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Bruce W. Kelley
Nevada Bar No. 7331
1117 South Rancho Drive
Las Vegas, Nevada 89102
10 Attorneys for Defendant LOYA INSURANCE
11 COMPANY

12 DATED: October 9th, 2015

13 LAW OFFICES OF VICTOR LEE MILLER

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Victor Lee Miller
Nevada Bar No. 2411
806 Buchanan Boulevard, Suite 115-338
Boulder City, NV 89005
Attorneys for Plaintiff MARCO MONTANO

ORDER

17 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's extra-
18 contractual claims as stated in the Second Cause of Action of Plaintiff's Complaint be dismissed
19 without prejudice and that the case be remanded to the State Court with each party to bear their
20 own costs and attorneys' fees.

21 DATED this 16 day of October 2015

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DISTRICT JUDGE
LLOYD D. GEORGE